

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
PETE AGAPITO CHAVEZ,
Defendant.

No. CR 11-0331 MMC

**ORDER REQUIRING DEFENDANT TO
SERVE DOCUMENTS ON UNITED
STATES; SEALING ORDER;
DIRECTIONS TO CLERK**

The Court is in receipt of defendant's letter and attached exhibits, mailed September 19, 2013, as a supplement to defendant's reply in support of his motion for relief under 28 U.S.C. § 2255.¹ Because the letter and exhibits contain information of a confidential nature, the Court finds said documents should be filed under seal.

The Court notes, however, that defendant has not provided a certificate of service demonstrating that he mailed a copy of said documents to counsel for the United States. See Crim. L.R. 2-3(a) (requiring certificate of service complying with Civil L.R. 5-5(a) accompany "any pleading or paper which is presented for filing in a criminal case"); see also Civil L.R. 5-5(a) (providing certificate of service must "stat[e] the date, place and

¹ By order filed August 30, 2013, the Court granted defendant a 60-day extension to file his reply. The above-referenced supplemental documents were submitted within the additional time afforded by said order. No additional documents in support of the motion shall be filed by defendant, however, absent further order of the Court.

1 manner of service and the names [and] street address . . . of the persons served, certified
2 by the person who made service”).


3 Accordingly,

4 1. Defendant is hereby ORDERED to serve a copy of his letter and all attached
5 exhibits upon the United States and to file a certificate of such service no later than October
6 21, 2013; if such proof of service is not filed, the letter and attached exhibits will be stricken
7 from the record.

8 2. The Clerk is hereby DIRECTED to file the above-referenced documents under
9 seal.

10
11 **IT IS SO ORDERED.**

12
13 Dated: October 4, 2013

14 
MAXINE M. CHESNEY
United States District Judge

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